REMARKS

In this paper, claims 1, 15, 28 and 70 are currently amended, and claims 95 and 96 have been added. After entry of the above amendment, claims 1-41, 43, 47, 49-58, 70, 72-78 and 80-96 are pending, and claims 42, 44-46, 48, 59-69, 71 and 79 are canceled.

The applicant appreciates the allowance of claims 41, 43, 47, 49-58 and 94.

Claims 1-40 were rejected under 35 U.S.C. §102(b) as being anticipated by Ose (US 5,768,945). This basis for rejection is respectfully traversed.

In response to the Examiner's remarks at the top of page 5 of the office action, independent claims 1, 15 and 28 have been amended to clarify that the beginning position of the first lever is different from the end position.

Ose discloses a bicycle shift control device (A) comprising a support bracket (11) adapted to mount the shift control device to a bicycle handlebar (H). A first lever (4) moves in a first plane from a rest position (N1), and a second lever (10) moves in a second plane from a rest position (N2). A winder (3) with an attached positioning member (16) are rotatably mounted to support bracket (1) so that winder (3) and positioning member (16) rotate together to a plurality of positions corresponding to gear positions of the bicycle. A positioning pawl (8) selectively engages teeth (16a) on positioning member (16) to maintain positioning member (16) and winder (3) in each of the plurality of positions.

As stated at col. 3:34 - col. 4:22, in order to change gears, the user moves first lever (4) away from the rest position (N1), thereby causing a feed pawl (6) attached to first lever (4) to move off of a ledge (22) and engage one of the plurality of teeth (16a) on positioning member (16) so that winder (3) rotates together with first lever (4). When first lever (4) and winder (3) reach a predetermined angle, positioning pawl (8) engages another positioning tooth (16a) on positioning member (16), thereby maintaining winder (3) and positioning member (16) in a target gear position. However, first lever (4) does not stay at that new position. As stated at col. 4:12-17, when the rider releases the

operating force from first lever (4), the initial position (N1) of first lever (4) is automatically restored by the energizing action of a return spring (21).

Thus, when shifting gears, first lever (4) is pushed by the rider away from rest position (N1) until the new gear is obtained, and then the rider removes the operating force from first lever (4) so that first lever (4) is automatically returned to the rest position (N1) by return spring (21). The motion of first lever (4) from the time it leaves the rest position (N1) until it returns to the rest position (N1) is continuous and uninterrupted. First lever (4) is maintained only in the position (N1) corresponding to the beginning position of the range of motion of first lever (4). At no time is first lever (4) maintained in a position corresponding to gear positions of the bicycle transmission in addition to beginning and end positions of a range of motion of first lever (4), wherein the beginning position of the first lever is different from the end position of the first lever as required by independent claims 1, 15 and 28. Ose neither discloses nor suggests the subject matter recited in independent claims 1, 15 and 28.

Claims 70, 72-78 and 80-93 were rejected under 35 U.S.C. §102(e) as being anticipated by Wessel (US 7,194,931). This basis for rejection is respectfully traversed.

Wessel discloses a release mechanism for trigger shifters. The mechanism comprises a housing (5), a cable spool (18) rotatably supported to housing (5), and a toothed disk (1) attached to cable spool (18) so that cable spool (18) and toothed disk (1) rotate together. Toothed disk (1) includes a plurality of circumferentially-disposed retention teeth (2) and a plurality of circumferentially-disposed capture teeth (3), wherein retention teeth (2) and capture teeth (3) are disposed on opposite edges of toothed disk (1). A sliding member (6) includes a pair of guide slots (7) that receive a corresponding pair of guide pins (8) therethrough, wherein guide pins (8) are mounted to housing (5) so that sliding member (6) is slidably disposed on housing (5). Sliding member (6) includes an integrally-formed retention pawl (9) and an integrally-formed capture pawl (10), wherein retention pawl (9) engages selected ones of the plurality of retention teeth (2), and capture pawl (10) engages selected ones of the plurality of capture teeth (3). Sliding member (6) is biased to the right in Fig. 3 so that retention pawl (9) normally engages one of the plurality of retention teeth (2).

A lever (12) is rotatably mounted to housing (5). Lever (12) includes a cam surface (14) (Fig. 4) that engages a cam follower (16) (Fig. 3) on sliding member (6) so that rotation of lever (12) in one direction causes sliding member (6) to move to the left in Fig. 2, thereby causing retention pawl (9) to disengage from the plurality of retention teeth (2) and causing capture pawl (10) to engage one of the plurality of capture teeth (3) while allowing toothed disk (1) and cable spool (18) to rotate partially in the cable unwinding direction. Subsequent rotation of lever (12) in the opposite direction causes sliding member (6) to move back to the right so that retention pawl (9) re-engages a subsequent one of the plurality of retention teeth (2) and capture pawl (10) disengages from the plurality of capture teeth (3) while allowing toothed disk (1) and cable spool (18) to rotate the remaining distance in the cable unwinding direction for the selected gear.

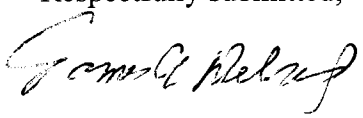
Claim 70 has been amended to clarify that the positioning unit causes the positioning member to move along a second path that is different from the first path. As further recited in claim 70, movement of the positioning member along the second path includes movement of the positioning member other than rotation of the positioning member.

The Examiner interpreted the positioning member recited in claim 70 to be Wessel's retention pawl (9). However, while Wessel's lever (12) causes sliding member (6) to slide from the position shown in Fig. 1 to the position shown in Fig. 2 (movement other than rotation), only lever (12) causes sliding member (6), and hence retention pawl (9), to move in such a manner. Wessel's toothed disk (1) plays no role in *causing* retention pawl (9) to move in a manner other than rotation of retention pawl (9). Wessel neither discloses nor suggests the subject matter recited in claim 70.

New claims 95 and 96 have been added to protect additional distinctive features. Both claims use claim 70 to recite the basic subject matter. Claim 95 further includes the feature that the positioning member rotates around an axis, wherein the axis moves when the positioning member moves along the second path. Claim 96 further includes the feature that the positioning member includes a projection that engages a corresponding opening disposed with the mounting member, wherein the positioning member rotates around the projection to move between the engagement position and the disengagement position. Wessel neither discloses nor suggests these features.

Accordingly, it is believed that the rejections under 35 U.S.C. §102 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



James A. Deland
Reg. No. 31,242

DELAND LAW OFFICE
P.O. Box 69
Klamath River, California 96050
(530) 465-2430